

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION**

Civil Action No.: 4:22-cv-00116-M-RJ

**EDWIN TARLEY, JR., and EPHRAIM
WREH,
individually and on behalf of all others
similarly situated,**

Plaintiffs,

v.

**ENVIRONMENTAL SPECIALTIES
INTERNATIONAL, INC.,**

Defendant.

**JOINT MOTION TO APPROVE SETTLEMENT
AND FOR DISMISSAL OF ALL CLAIMS**

Plaintiffs, Edwin Tarley, Jr. and Ephraim Wreh, on behalf of themselves and on behalf of the Opt-In Plaintiff who filed his consent to join the above-captioned lawsuit (“Plaintiffs”), and defendant, Environmental Specialties International, Inc. (“Defendant”) (Plaintiffs and Defendant may be jointly referred to as the “Parties”), who hereby represent to the Court that they have resolved the issues in this matter in their entirety and respectfully request: (a) that the Court approve the Parties’ Settlement and Release Agreement under the Fair Labor Standards Act, as amended, 29 U.S.C. § 201, *et seq.* (“FLSA”), and (b) dismiss this lawsuit with prejudice. Although some courts have started to hold that judicial approval of FLSA settlements is not required, most follow *Lynn’s Food Stores, Inc. v. U.S.*, 679 F.3d 1350 (11th Cir. 1982). *Lynn’s Food* holds that settlements are permissible when negotiated in “an adversarial context,” by an attorney “who can protect [employees’] rights under the statute,” and when the settlement reflects “a reasonable compromise of disputed issues.” Under those conditions, settlements can be approved “to promote

the policy of encouraging settlement of litigation.” *Id.* at 1354. Those conditions are present here, as described in the Parties’ jointly submitted Memorandum in Support, filed contemporaneously with this motion. The Parties’ Settlement and Release Agreement is also attached as Exhibit “A.”

For the reasons stated in the Parties’ Memorandum in Support, Plaintiffs and Defendant jointly request that the Court enter an order approving the Parties’ settlement and release agreement and dismissing this action with prejudice.

This 22nd day of February, 2024.

Respectfully Submitted:

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CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of February, 2024, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system, which will send a notice of electronic filing to all counsel of record.

/s/ Douglas M. Jarrell
Douglas M. Jarrell